IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Crl.MC.No. 3585 of 2007()

AGAINST THE ORDERIN LP 52/02 IN
CC.374/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR
CRIME NO.114/02 OF THRISSUR EAST POLICE STATION

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PETITIONER: ACCUSED

MUBARQE, S/O IBRAHIM,
AGED 33 YEARS, PETTAYILTHODI VEEDU,
THACHANODY, PUTHUCODE, ALATHUR.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
THRISSUR EAST POLICE STATION, THRISSUR.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3585 of 2007

Dated this the 29th day of November, 2007

O R D E R

Petitioner faces indictment in a prosecution under Section 292 (a) I.P.C. Cognizance has been taken as early as in 2003. Consequent to non appearance of the petitione, the case has been transferred to the list of Long Pending Cases. Consequently coercive processes have been issued against him by the learned Magistrate. He finds such processes chasing him now.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. His absence was not wilful or deliberate. He is willing to surrender before the learned Magistrate. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the

circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-